

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**Filed**

MAR 14 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DAVID M. NANCE,

Plaintiff (s),

v.

GEORGE SHENG, ET AL,
Defendant(s).

No. C 08-01450 MEJ

**ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE
AND ADR DEADLINES**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Maria-Elena James. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the material entitled "Dispute Resolution Procedures in the Northern District of California" on the Court ADR Internet site at www.adr.cand.uscourts.gov. A limited number of printed copies are available from the Clerk's Office for parties in cases not subject to the court's Electronic Case Filing program (ECF).

CASE SCHEDULE -ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
3/14/2008	Complaint filed	
5/29/2008	*Last day to: <ul style="list-style-type: none"> meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	<u>FRCivP 26(f) & ADR L.R.3-5</u> <u>Civil L.R. 16-8</u>
6/12/2008	*Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at http://www.cand.uscourts.gov)	<u>FRCivP 26(a) (1)</u> <u>Civil L.R. 16-9</u>
6/19/2008	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Ctrm. B, 15th Floor, SF at 10:00 AM	<u>Civil L.R. 16-10</u>

* If the Initial Case Management Conference is continued, the other deadlines are continued accordingly.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**STANDING ORDER RE: DISCOVERY AND DISPUTE PROCEDURES FOR
CASES ASSIGNED OR REFERRED TO MAG. JUDGE MARIA-ELENA JAMES**

This standing order informs a *pro se* party and/or counsel of the specific procedures for all cases, except those categories of cases listed in Federal Rule of Civil Procedure ("FRCP") 26(a)(1)(E), assigned to Magistrate Judge Maria-Elena James for trial or referred for purposes of discovery. All parties and counsel are required to follow these procedures.

1. Parties shall propound disclosures and discovery in accordance with FRCP 26 and 30-36, and Civil Local Rules 26, 30, 33, 34 and 36. A copy of the Civil Local Rules for the Northern District of California is available at the Clerk's Office or for public viewing at the Court's internet site - <http://www.cand.uscourts.gov>. All requests for protective orders must comply with Civil Local Rule 79-5. Pursuant to FRCP 30(a)(2), no more than ten depositions may be taken except by order of the Court. Pursuant to FRCP 33(a) and Civil Local Rule 33-3, no more than 25 interrogatories shall be propounded except pursuant to stipulation or order of the Court.

2. The parties shall meet and confer regarding their initial disclosures pursuant to FRCP 26(f) and shall make disclosures pursuant to FRCP 26(a)(1)(E). The parties shall supplement their initial disclosures when required under FRCP 26(e)(1).

3. The Court will not consider a formal motion to compel under Civil Local Rule 7. Instead, counsel must meet and confer **in person** for the purpose of resolving all disclosure and/or discovery disputes. Thereafter, if any disputes remain, counsel shall draft and file a jointly signed letter which (1) attests that prior to filing the joint letter the parties met and conferred **in person** for purposes of resolving the dispute; (2) sets forth the unresolved dispute and any pertinent factual background; and (3) states each party's position as supported by appropriate legal authority. The joint letter shall be signed by both parties, shall be limited to

1 five pages and may not be accompanied by exhibits or affidavits other than exact copies of
2 disputed interrogatories, requests for production of documents and/or responses, privilege logs,
3 and relevant deposition testimony. The parties need not state all disputes in one letter; rather, it
4 is preferable that the parties file a separate letter for each dispute.

5 4. In the event that counsel is unable to meet and confer with a party or opposing counsel
6 as directed above, counsel shall file a written request for a telephonic conference for the
7 purpose of enforcing the Court's requirement to meet and confer, or for the Court to fashion an
8 alternative procedure which satisfies the meet and confer requirement. Counsel's written
9 request shall state (1) three agreed upon prospective times and dates for the telephonic
10 discovery conference to take place, (2) the anticipated length of the conference, and (3) the
11 phone numbers at which counsel shall be contacted on the day of the conference. A copy of the
12 written request shall be served on opposing counsel and verification of said service shall be
13 filed with the request. Additionally, counsel shall file a declaration which states any attempt to
14 meet and confer and the reasons for the inability to comply with this standing order. Counsel
15 may attach exhibits to support the declaration, but the declaration and exhibits combined may
16 not exceed seven pages. The Court will not excuse a party from the requisite in-person meeting
17 unless good cause is shown.

18 5. In the event that the parties are participating in a deposition or a site inspection and a
19 discovery dispute arises regarding the deposition and/or site inspection, the parties may contact
20 Judge James' Courtroom Deputy, Brenda Tolbert, at 415-522-4708, to inquire whether Judge
21 James is available to resolve the parties' impending dispute telephonically. In the event that
22 Judge James is unavailable or the parties are unable to contact Judge James' courtroom deputy
23 for any reason, the parties shall proceed follow the procedures for requesting a telephonic
24 conference as set forth in paragraph 4 above. The deposition or site inspection shall
25 nevertheless proceed with objections noted for the record.

26 6. In the event that a matter is to be taken off calender, or continued to a further date, a
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1 written stipulation signed by the parties shall be filed with the Court for approval.

2 7. Other than scheduling matters, pursuant to Civil L. R. 11-4(c), a party shall not contact
3 the Court *ex parte* without prior notice to the opposing party. Further, all communications or
4 questions to the Court shall be presented to the Court in writing and shall be properly filed.

5 Parties must certify to the Court that all parties were served a copy of the written
6 communication. Unless expressly requested by the Court, documents should not be faxed to
7 chambers but should be filed or lodged in accordance with the Local Rules of Court.

8 8. Parties shall not mail or fax to the Court copies of correspondence from a party
9 regarding any dispute pending before the Court.

10 9. Motions for sanctions shall be filed separately, pursuant to FRCP 37, and Civil Local
11 Rules 7 and 37-3. Any party seeking an award of attorney's fees or other expenses in
12 connection with a motion shall file a declaration with the opposition or reply memorandum
13 which itemizes with particularity the fees and expenses claimed.

14 10. In all "E-Filing" cases, in addition to filing papers electronically, the parties shall lodge
15 with chambers a printed copy of the papers by noon of the next court day after filing. These
16 printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office
17 in an envelope clearly marked "Magistrate Judge Maria-Elena James" and include the case
18 number. Parties shall not file a paper copy of any document with the Clerk's Office that has
19 already been filed electronically.

20 The failure of a party to abide by Judge James' Discovery and Disclosure Dispute
21 Procedures may result in sanctions, pursuant to FRCP 16(f) and Civil Local Rule 37-3.

22 **IT IS SO ORDERED.**

23
24 Dated: May 31, 2006


25 MARIA ELENA JAMES
26 United States Magistrate Judge
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
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4 NOTICE OF ASSIGNMENT OF CASE
5 TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL
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7 Pursuant to General Order 44, the Assignment Plan of the United States District Court
8 for the Northern District of California, this case has been randomly assigned to Magistrate Judge
9 _____.

10 Pursuant to Title 28 U.S.C. § 636(c), with written consent of all parties, a magistrate
11 judge may conduct all proceedings in the case. Attached is a form to complete if you consent to
12 proceed before the assigned magistrate judge and a form to complete if you decline to proceed
13 before the assigned magistrate judge. Electronic versions of both forms are also available at the
14 Court's Internet site: <http://www.cand.uscourts.gov>. Click on Forms-Civil. A party is free to
15 withhold consent without adverse consequences. If a party declines to consent, the case will be
16 randomly reassigned to a district judge and a case management conference will be scheduled on
17 the district judge's calendar as close as possible to the date presently scheduled before the
18 magistrate judge.

19 You must file your consent or declination by the deadline for filing the initial case
20 management statement.

21 The plaintiff or removing party shall serve a copy of this notice and all attachments upon
22 all other parties to this action pursuant to Federal Rules of Civil Procedure 4 and 5.
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24 FOR THE COURT
25 RICHARD W. WIEKING, CLERK
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27 _____
28 By: Deputy Clerk

United States District Court

For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

v.

Defendant(s).

**CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE**

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

Signature

Counsel for
(Plaintiff, Defendant or indicate "pro se")

United States District Court

For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

v.

Defendant(s).

**DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE
AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE**

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: _____

Signature _____

Counsel for _____
(Plaintiff, Defendant, or indicate "pro se")

**NOTICE OF TRIAL ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE AND
ORDER TO FILE CONSENT/REQUEST FOR REASSIGNMENT FORM**

This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the Magistrate Judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

You have the right to have your case assigned to a United States District Judge for trial and disposition. Attached is the form which allows you to either consent to, or decline Judge James' jurisdiction and request reassignment to a District Judge.

Each party shall sign and file the consent/declination form, either consenting to Judge James' jurisdiction, or requesting reassignment to a District Judge, no later than the filing deadline for the joint case management statement assigned by the initial case management schedule.

IT IS SO ORDERED.

Date: May 31, 2006



Maria-Elena James
United States Magistrate Judge

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3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 ORDER OF THE CHIEF JUDGE
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9 IN RE: ELECTRONIC FILING IN CASES WITH UNREPRESENTED PARTIES
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11 When the Electronic Case Filing (ECF/e-filing) program was established for civil
12 cases in January 2003 (see generally General Order 45), the court's practice was to exclude from the
13 e-filing program cases in which any party was not represented by an attorney. Pursuant to Part III of
14 General Order 45, the court's ECF webpage provided: "All cases involving pro se parties are
15 excluded from the e-filing program and must be filed entirely in paper, unless otherwise ordered by
16 the court."

17 Effective immediately, cases with unrepresented party litigants in which at least one
18 party is represented by an attorney will no longer be excluded from the e-filing program. All
19 *represented* parties will e-file their submissions to the court on the same basis as in cases not
20 involving pro se litigants and in compliance with all parts of General Order 45. *Represented* parties
21 will be required to serve paper copies by mail on *unrepresented* parties only. As before,
22 unrepresented litigants will continue to file and serve all submissions to the court in paper form
23 unless prior leave is obtained from the assigned judge in a particular case.

24 IT IS SO ORDERED.
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26 Date: May 11, 2007
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Vaughn R Walker
United States District Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C MEJ

Plaintiff(s),

**CONSENT TO ASSIGNMENT OR
REQUEST FOR REASSIGNMENT**

vs.

Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: _____

Signed by: _____

Counsel for: _____

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: _____

Signed by: _____

Counsel for: _____